

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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The Rotenberg Companies, Inc.,

Case No: 22-cv-2156

Plaintiff,

v.

Zurich American Insurance Company,

Defendant.

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**NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Zurich American Insurance Company (“Zurich”) hereby gives notice of the removal of the above-captioned action to the United States District Court for the District of Minnesota, and as grounds for removal states:

1. On August 4, 2022, Plaintiff The Rotenberg Companies, Inc. (“Plaintiff”) commenced this action by serving Zurich with a Summons and Complaint,
2. On August 5, 2022, Plaintiff filed the Summons and Complaint in the First Judicial District of Dakota County, Minnesota, captioned as *The Rotenberg Companies, Inc. v Zurich American Insurance Company*, Court File No. 27-CV-22-11665 (“the State Action”).
3. Exhibit 1 includes copies of all process and pleadings served on Zurich in the State Action.
4. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it was filed within 30 days after service of the Summons and Complaint on Zurich.

5. Plaintiff is a real estate development company incorporated under Minnesota Statutes, Chapter 302A, and its principal place of business is in Minnesota. Plaintiff is therefore a citizen of Minnesota for purposes of diversity jurisdiction.

6. Defendant Zurich is an insurance company incorporated under the laws of the State of New York with its principal place of business in Schaumburg, Illinois. Zurich is therefore a citizen of New York and Illinois for purposes of diversity jurisdiction.

7. Complete diversity exists because Plaintiff is a citizen of Minnesota and Defendant is a citizen of New York and Illinois.

8. Plaintiff's Complaint alleges damages of \$2,196,166, not including interest and costs. (Ex. 1 p. 7 ¶ 22.). The amount in controversy therefore exceeds \$75,000, exclusive of interest and costs.

9. The United States District Court for the District of Minnesota has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441 because complete diversity exists and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

10. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will promptly be given to Plaintiff, and a copy of this Notice of Removal will be filed in Hennepin County District Court, Fourth Judicial District.

11. Zurich has filed a Civil Cover Sheet and paid the required filing fee.

12. Zurich has good and sufficient defenses to this action.

13. Zurich makes no admission of liability and expressly reserves the right to raise all defenses and objections to Plaintiff's claims after the action is removed to the

United States District Court for the District of Minnesota, including, without limitation, any objections to the merits and sufficiency of Plaintiff's pleadings.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Zurich hereby demands a jury trial on all issues so triable.

**ZELLE LLP**

September 2, 2022

/s/ Dan Millea

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*Attorneys for Defendant*

*Zurich American Insurance Company*

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Notice of Removal was served on all counsel of record on September 2, 2022, in accordance with the Federal Rules of Civil Procedure by emailing a copy to:

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/s/ Dan Millea

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